

Message Text

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15

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SAM-01

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R 161611Z DEC 75

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 4001

INFO AMEMBASSY LISBON

AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY DUBLIN

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY BONN

AMEMBASSY ROME

AMEMBASSY ATHENS

AMEMBASSY COPENHAGEN

AMEMBASSY STOCKHOLM

AMEMBASSY OSLO

AMEMBASSY BERN

AMEMBASSY VIENNA

USEC BRUSSELS

USCINCEUR

USMISSION NATO

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TAGS: PFOR, PINT, SP

SUBJ: OVER 4,700 PRISONERS FREED BY KING'S PARDON INCLUDING
POLITICAL PRISONERS

REF: (A) MADRID 8340; (B) MADRID 8402; (C) MADRID 8573

SUMMARY: 4,708 COMMON LAW CRIMINALS, INCLUDING SOME 235

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POLITICAL PRISONERS, HAVE BEEN FREED THUS FAR BY KING'S PARDON

SIGNED NOV 25. THIS IS ABOUT ONE-THIRD OF ALL SPANISH PRISONERS. FOREIGN PRISONERS IN SPANISH JAILS HAVE ALSO BEEN AFFECTED BY DECREE. CHURCH LEADERS SUPPORTED DECREE BUT HOPED IT WOULD BE INTERPRETED EVEN MORE LIBERALLY. ALTHOUGH LAWYERS' ASSOCIATION AND CHRISTIAN ORGANIZATION "PAX Y JUSTICIA" URGED FULL AMNESTY, THE EXCLUSION FROM PARDON DECREE OF ALL THOSE ACCUSED OF ECONOMIC CRIMES, PRINCIPALLY PEOPLE INVOLVED IN FRAUD, HAS MADE A GOOD IMPRESSION. IN SEPARATE ACTION, 3 OF 13 MILITARY OFFICERS INDICTED IN PAST FOUR MONTHS HAVE BEEN EXONERATED. PARDON'S IMPACT HAS INCREASED INSOFAR AS IT HAS EXTENDED INTO OTHER AREAS. END SUMMARY.

1. KING JUAN CARLOS' PARDON DECREED NOV 25 HAS ALREADY RESULTED IN THE RELEASE OF 4,708 PRISONERS INCLUDING 235 POLITICAL PRISONERS. OF THE TOTAL, 1,423 WERE BEING HELD PENDING INDICTMENTS WHICH HAVE BEEN SET ASIDE WHICH IN EFFECT CONVERTS THEIR PARDON INTO AMNESTY. ONE SPANISH PRISON, ALBACETE, HAS REPORTEDLY SHUT DOWN. PRIOR TO THE PARDON, SPANISH JAILS HAD SLIGHTLY OVER 15,000 PRISONERS, ON A PER CAPITA BASIS REPORTEDLY ONE OF THE LOWEST LEVELS IN THE WORLD. WITH THE RELEASE OF 4,708 PRISONERS, SLIGHTLY OVER 10,000 PRISONERS OF ALL TYPES REMAIN IN SPANISH JAILS.

2. PARALLEL WITH THE PARDON, THE GOVT HAS, THROUGH LOCAL CIVIL GOVERNORS, CONTINUED TO LIFT PREVIOUS FINES ON PRIESTS FOR OBJECTIONABLE HOMILIES. THE MINISTRY OF EDUCATION HAS ANNULLED SOME SANCTIONS ON STUDENTS WHO VIOLATED ACADEMIC DISCIPLINE IN SPANISH UNIVERSITIES. IN A RELATED MOVE THE MILITARY GOVERNOR OF MADRID HAS TEMPORARILY SET ASIDE INDICTMENTS OF THREE OFFICERS ARRESTED IN BARCELONA AND CONCLUDED THE INITIAL INVESTIGATION OF THE ACCUSATIONS OF SEDITION AGAINST NINE OFFICERS. THE PRECEDING ACTIONS ILLUSTRATE THAT THE GOVT IS TAKING A CUE FROM THE KING'S PARDON TO PARDON OR ATTENUATE ALLEGED CRIMES IN OTHER AREAS. THE PARDON HAS ALSO BENEFITED FOREIGNERS HELD IN SPANISH JAILS.

3. SEVERAL INDEPENDENT OBSERVERS HAVE TOLD US THAT THE EXCLUSION OF ECONOMIC CRIMES FROM THE APPLICATIONS OF THE PARDON HAS BEEN INTERPRETED POPULARLY AS AN INDICATION OF GOVT UNWILLINGNESS TO BE SOFT ON CRIMES INVOLVING CORRUPTION IN THE PUBLIC SPHERE.

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4. THE SPANISH EPISCOPAL CONFERENCE ISSUED A STATEMENT DEC 4 EXPRESSING SUPPORT FOR THE KING'S PARDON BUT AT THE SAME TIME URGING THAT IT BE AS LIBERALLY INTERPRETED AS POSSIBLE. THE STATEMENT ALSO ALLUDED TO THE ABSENCE OF ANY LINKAGE BETWEEN THE PARDON AND THE HOLY YEAR. THE INDEPENDENT CATHOLIC ORGANIZATION, "PAX Y JUSTICIA," WHOSE PRESIDENT IS FORMER MINISTER OF EDUCATION AND NOW LEFT-WING CHRISTIAN DEMOCRATIC LEADER RUIZ GIMENEZ, HAS ISSUED A STATEMENT URGING AMNESTY FOR ALL POLITICAL

PRISONERS AND A GENEROUS AMNESTY FOR OTHERS, SAYING THAT THIS WOULD BE CONSISTENT WITH THE CHRISTIAN SPIRIT FOR THE HOLY YEAR.

5. COMMENT: ALTHOUGH THERE WAS SOME FEAR IMMEDIATELY FOLLOWING THE PROMULGATION OF THE PARDON THAT IT MIGHT BE INTERPRETED RESTRICTIVELY BECAUSE OF THE PARAGRAPH REFERRING TO TERRORIST ACTIVITIES AND MEMBERSHIP IN PROSCRIBED ORGANIZATIONS, THE FACTS SEEM TO BELIEVE THESE FEARS. THERE HAS BEEN NO PUBLIC OBJECTION BY POLITICIANS TO THE EXCLUSION OF TERRORISTS FROM THE DECREE.

6. EVEN THOUGH MORE PRISONERS ARE LIKELY TO BE RELEASED AS COURTS PROCESS PRISONERS' CASES UNDER THE PARDON'S GUIDELINES, PRESSURE GROUPS IN THE EXTRAMURAL OPPOSITION WILL CONTINUE TO DEMAND A FULL AMNESTY, PARTICULARLY FOR POLITICAL PRISONERS. THERE IS NO AVAILABLE FIGURE OF THE NUMBER OF THE LATTER BUT, IF WE ACCEPT THE FIGURE OF 500 WHICH SOME OBSERVERS HAVE USED, IT WOULD LEAVE ABOUT ONE-HALF THAT NUMBER STILL IN PRISON. (ANY ATTEMPT TO GIVE A TOTAL FIGURE BEGS THE QUESTION OF DEFINITION OF POLITICAL PRISONERS, OF COURSE. AS LONG AS THERE IS REASON TO BELIEVE THAT ANY POLITICAL PRISONERS ARE STILL IMPRISONED IN SPAIN, THERE IS LIKELY TO BE INTERNAL AND EXTERNAL PRESSURE FOR THEIR RELEASE.

7. ON THE OTHER HAND, THE GOVT HAS RELEASED WELL-KNOWN COMMUNIST MARCELINO CAMACHO AND, EVEN THOUGH CAMACHO WAS REARRESTED FOR PROMOTING ILLEGAL DEMONSTRATIONS, HAS SET HIM FREE AGAIN. ON BALANCE, THE DECREE AND GOVT ACTIONS INDICATE A WILLINGNESS TO ESTABLISH A DIALOGUE WITH KEY AREAS OF NATIONAL LIFE--THE CHURCH AND THE UNIVERSITIES--BUT ONLY ON CONDITION THAT PUBLIC ORDER IS NOT THREATENED BY TERRORIST ORGANIZATIONS. IN HIS FIRST SPEECH TO THE NATION THE KING PROMISED "FIRMNESS AND PRUDENCE;" THE PARDON IS AN INDICATOR OF THE MEANING WHICH THE GOVT GIVES TO THESE WATCHWORDS.
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